

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) Case No. 1:05-cr-152
MATTHEW SHELTON) DISTRICT JUDGE EDGAR
) MAGISTRATE JUDGE CARTER

MEMORANDUM & ORDER

The defendant, MATTHEW SHELTON, appeared for a hearing before the undersigned on December 30, 2008, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Paul R. Harris and the Warrant for Arrest issued pursuant to the order of Judge Edgar. Those present for the hearing included:

- (1) AUSA Terra Bay for the USA.
- (2) The defendant, MATTHEW SHELTON.
- (3) Attorney John Brooks for defendant.
- (4) Supervising U.S. Probation Officer David Croft.
- (5) Courtroom Deputy Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was ascertained the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and a copy of the Warrant for Arrest. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Terra Bay called Supervising USPO David Croft as a witness and moved that the defendant be detained pending the revocation hearing.

Findings

(1) Based upon Supervising USPO David Croft's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

- (1) The motion of AUSA Bay that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge R. Allan Edgar is GRANTED.
- (2) The U.S. Marshal shall transport the defendant to a revocation hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure before U.S. District Judge R. Allan Edgar at **2:00 p.m. on Wednesday, November 4, 2009.**

ENTER.

Dated: October 8, 2009

/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE